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International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the second periodic report of Angola*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. The Committee notes the examples of cases provided by the State party in which the provisions of international human rights instruments have been referred to by national courts (see CCPR/C/AGO/2, para. 10), but requests that specific cases in which provisions of the Covenant have been referred to by national courts be indicated. In light of the Committee's previous concluding observations (see CCPR/C/AGO/CO/1, para. 5), the Committee requires that the concrete measures be specified that have been taken to raise awareness of the Covenant and its first Optional Protocol among judges, lawyers and prosecutors, to ensure that its provisions are taken into account by domestic courts.

2. Taking into account the information provided by the State party in its second periodic report (CCPR/C/AGO/2, paras. 12–16) and in its follow-up report to the Committee's concluding observations on the first periodic report (CCPR/C/AGO/CO/1/Add.1), please indicate all the measures taken to revise the Ombudsman Law to ensure that it fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights or establish an independent, adequately funded new national human rights institution with national coverage that has a broad human rights mandate in line with the same principles, as recommended by the Committee in its previous concluding observations (see CCPR/C/AGO/CO/1, para. 7).

3. With reference to the Committee's previous concluding observations (see CCPR/C/AGO/1, para. 6), please indicate the procedures that are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on the measures taken to ensure full compliance with the Views adopted in respect of the State party. In particular, please provide information on measures taken to give effect to the Views of the Committee in the following communications: No. 711/1996, *Carlos Diaz v. Angola* and No. 1128/2002, *Rafael Marques de Morais v. Angola*.

Equality between men and women (arts. 2, 3, 25 and 26)

4. Based on the information and statistical data provided by the State party on the participation of women in public and political life (see CCPR/C/AGO/2, paras. 31–33), please provide information on the measures taken to increase women's participation in government and parliamentary positions, in the judiciary and in the civil service at national, provincial and municipal levels. In that regard, please provide information on the implementation of the Law on Political Parties (2005) requiring that political parties include a 30 per cent quota for women candidates on electoral lists.

* Adopted by the Committee at its 123rd session (2–27 July 2018).

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Non-discrimination (arts. 2, 25 and 26)

5. Please provide information on the steps taken to establish a general law on equality and non-discrimination in order to further protect persons living in the territory of the State party from discrimination (see CCPR/C/AGO/CO/1, para. 8). Please indicate all legislative and other measures, including campaigns and training, taken to eliminate stereotypes that discriminate against children with disabilities, children with HIV/AIDS and San children. Please also report on any plans to ratify the International Convention on the Elimination of All Forms of Racial Discrimination.

6. Please provide information on the measures taken, including the adoption of legislation, policies and programmes, to combat and eliminate discrimination against migrants and fight negative perceptions of migrants. In particular, please provide information on the measures taken to address hate speech and xenophobic acts against migrants and indicate the measures taken to increase the investigation and prosecution rate for such crimes and provide relevant statistical data on the number of complaints, investigations and prosecutions and their outcomes.

Violence against women (arts. 2, 3, 6, 7 and 26)

7. Taking into consideration the information provided by the State party on domestic violence (see CCPR/C/AGO/2, paras. 34–51 and CCPR/C/118/2), please report on:

(a) The steps taken to extend the executive plan to combat domestic violence, which was adopted for the period 2012–2017;

(b) Statistical information about investigations carried out and sentences passed, indicating whether they resulted in acquittal or conviction;

(c) Measures taken to encourage and empower female victims of violence to report incidents of violence to law enforcement authorities;

(d) The existence of legal provisions explicitly criminalizing marital rape and sexual harassment;

(e) The programme to extend the network of shelters and specialized units for the care of victims of domestic violence.

8. Please provide information on the measures taken to protect asylum-seeking, refugee and migrant women from all forms of violence. In particular, please comment on reports of allegations of sexual abuse and sexual exploitation during expulsions by the Angolan security forces. Please also provide information on the measures taken to investigate, prosecute and punish the perpetrators of such acts and establish mechanisms for redress and rehabilitation.

9. In light of the Committee's previous concluding observations (see CCPR/C/AGO/CO/1, para. 11), please provide information on measures taken to ensure that legislation in the State party prohibits polygamy and early marriage. In particular, please provide information on any steps taken to amend article 24 of Law 68/76 which allows, on an exceptional basis, the marriage of girls at 15 and boys at 16 years of age. Please also report on the steps taken to conduct awareness campaigns on the prohibition of such practices among the population, particularly among women and in rural areas. Please provide data on polygamy and early marriages, in particular in the provinces of Lunda Sul, Moxico, Huambo, Bié and Malanje, as already requested by the Committee in its previous concluding observations.

Voluntary termination of pregnancy (arts. 6, 7 and 17)

10. Please report on the new draft law which amends the Penal Code and address the issue of voluntary termination of pregnancy. In particular, please clarify whether abortion is criminalized and, if so, under which circumstances and what the penalties incurred are. Please provide the Committee with the number of official abortions and the estimated number of clandestine abortions that have taken place during the reporting period. Please also provide information on: (a) the efforts made to further reduce maternal mortality, including measures to ensure effective access to adequate prenatal and obstetric care; and (b)

the impact of measures taken by the State party (see CCPR/C/AGO/2, paras. 68–70) to address the high rate of teenage pregnancy and to ensure countrywide access to adequate sexual and reproductive health education and services.

Right to life (art. 6)

11. Please comment on reports that HIV/AIDS is spreading significantly and provide information on the measures taken to address this issue, mainly in the provinces of Luanda, Lunda Norte, Lunda Sul, Cuando Cubango and Cunene. Taking into consideration that women are disproportionately affected by the pandemic, please indicate whether any specific measures for protecting and supporting women are in place. Please provide information on the steps taken to combat and prevent societal stigmatization of and discrimination against persons living with HIV/AIDS, including in regard to employment.

12. Please provide information on the measures taken to investigate the alleged violations committed by the security forces in the province of Huambo in 2010 and during the counter-insurgency against the Front for the Liberation of the Enclave of Cabinda in 2010 (see CCPR/C/AGO/CO/1, para. 14). Please provide information on the results of such investigations, prosecutions, convictions and compensation to victims and their families.

13. Given that the death penalty was abolished in 1992 and that Angola has already signed the Second Optional Protocol to the Covenant, please clarify if the State party intends to ratify to the Second Optional Protocol, aiming at the abolition of the death penalty.

14. With regard to the Committee's previous concluding observations (CCPR/C/AGO/CO/1, para. 12), please report on the measures taken during the reporting period by the National Commission for Civilian Disarmament to collect small arms held by the population since the end of the civil war and the impact achieved. In particular, please provide information on the measures to conduct awareness campaigns to combat the illegal possession and use of small arms and the difficulties encountered in eradicating illegal small arms in the State party. In addition, please provide updated information on the measures undertaken by the National Demining Institute, in collaboration with non-governmental organizations (NGOs), members of the Angolan armed forces and the Border Guard, to remove landmines in the State party. In particular, please provide information on the specific actions taken to identify new areas that are suspected of being mined and to remove them by January 2018, as indicated by the State party (see CCPR/C/AGO/2, para. 66).

Corruption (arts. 2 and 25)

15. Please provide information on allegations of corruption and illicit financial flows in the State party. Please provide information on the process and outcomes of challenging the propriety of the 2017 elections, including allegations regarding the counting of provisional voting and the use of State resources to promote the election campaign of the governing party.

Trafficking in persons (art. 8)

16. In the light of the Committee's previous concluding observations (see CCPR/C/AGO/CO/1, para. 17) and taking into account the recent adoption of Act No. 3/14 on crimes underlying money laundering and trafficking in persons, please provide information on: (a) the number of complaints received, investigations conducted and convictions handed down under the Act, including regarding the possible involvement of law enforcement officers; (b) the availability of protection mechanisms, including shelters and legal, medical and psychological services; and (c) the efforts made to ensure that victims are identified, protected and referred to an appropriate service provider on a timely basis and that they receive full reparation, including compensation and rehabilitation. Please also provide information on the development of an action plan to combat trafficking in persons and the work carried out by the Interministerial Commission to Combat Human Trafficking in Angola.

Torture, ill-treatment and deprivation of liberty (arts. 7, 9 and 10)

17. Recalling its concluding observations (see CCPR/C/AGO/CO/1, para. 15), the Committee takes note of the information provided by the State party that torture does not appear in the current draft criminal code (see CCPR/C/AGO/2, para. 78), and requests information on any initiative to define and criminalize torture in full compliance with article 7 of the Covenant. Please provide information on the measures taken to investigate allegations of torture and ill-treatment allegedly committed by law enforcement officials, the number of persons prosecuted and convicted and the compensation and reparations paid to victims during the reporting period. In particular, please provide information on the investigation carried out into the death of Flávio Carizo, who was allegedly tortured to death in June 2016 at Caulele police station in the municipality of Cacuaco. Please also provide information on the establishment of an independent complaints authority to deal with complaints of torture or ill-treatment perpetrated by enforcement officials. Please address any plans to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

18. With reference to the Committee's previous recommendations (see CCPR/C/AGO/CO/1, para. 19), please report on the progress made in addressing overcrowding in detention facilities, including on construction projects for new facilities and on measures taken to: (a) ensure that the judiciary uses non-custodial preventive measures and alternatives to custodial sentences more widely and (b) improve conditions of detention and the availability of adequate health-care services and meaningful activities for prisoners. Please also provide information on measures taken to ensure the separation of minors from adults in detention. Please clarify the duration of pretrial detention established in law and whether it is respected in practice.

19. With reference to the Committee's previous recommendations see (CCPR/C/AGO/CO/1, para. 18), please provide information on investigations carried out regarding the alleged arbitrary detention, torture, cruel or inhumane treatment and incommunicado detention of sympathizers of the Front for the Liberation of Cabinda in the enclave province of Cabinda that occurred between 2007 and 2009. Please provide information on the results of such investigations, prosecutions, convictions and the compensation paid to victims and their families.

Protection of children (arts. 6, 7, 8, 10, 16 and 24)

20. In view of the Committee's previous recommendations (see CCPR/C/AGO/CO/1, para. 23) and the follow-up report (CCPR/C/AGO/CO/1/Add.1), please provide updated information on the rate of birth registration of children under the age of 5, especially in border areas and among ethnic and indigenous minority populations. Please also provide information on awareness-raising campaigns on birth registration and measures taken to improve the official system of birth registration. In that regard, please also provide information on the impact of the measures taken.

21. In light of the Committee's previous recommendations (see CCPR/C/AGO/CO/1, para. 24), please provide information on the impact of measures taken to protect children accused of witchcraft, in particular the project entitled "The problem of children accused of witchcraft", which is due to be completed in 2020.

22. Please provide details on the legal safeguards available to children below the age of 18 who find themselves in conflict with the law and on the availability of rehabilitation centres for juvenile offenders. Please also provide information on the measures taken to explicitly prohibit corporal punishment in school, in the home, in the juvenile legal system and in any other setting.

Freedom of expression, assembly and association (arts. 6, 7, 9, 19, 21 and 22)

23. Please report on the alleged use of excessive force, including the use of dogs, intimidation and arbitrary detention against peaceful protesters and the measures taken to address this issue. Please provide information on the alleged abduction, torture and killing of António Alves Kamulingue and Isaías Cassule by the security forces in May 2012, after they had organized a protest over complaints of unpaid salaries and pensions in Luanda.

Please provide information on the results of such investigations, prosecutions, convictions and the compensation paid to victims and their families.

24. Please comment on reports that the Angolan media is largely controlled by the Government and the ruling party, the People's Movement for the Liberation of Angola. Please also provide information on the social communication legislative package (pacote legislativo da comunicação social) and how it ensures the right to freedom of expression. In that regard, please comment on reports that those laws were approved with minimal debate, despite opposition from the journalists' union and others, and that they actually limit freedom of expression, by, inter alia, giving the Ministry of Social Communication the authority to oversee how media organizations carry out editorial decisions, and to fine or suspend the activities of violators. Please explain article 82 of the Press Law, which criminalizes publication of a text or image that is "offensive to individuals", how this provision is applied in practice and its compatibility with article 19 of the Covenant. Please also clarify whether defamation is still criminalized and provide information on the number of cases brought before a court, convictions and the penalties imposed.

25. Taking into account the recent decision of the Constitutional Court of July 2017 declaring unconstitutional the Presidential Decree on NGOs, please provide information on recent measures, including legislative measures, taken to protect NGOs, including ensuring their establishment and registration and protecting their members from reprisals (see CCPR/C/AGO/CO/1, para. 22).

Foreigners, refugees and asylum seekers (arts. 2, 6–7 and 13)

26. Please provide information on the asylum act (No. 10/15), adopted in June 2015, and report on whether it ensures that all persons applying for international protection are given access to fair and efficient asylum procedures, protection against refoulement and an independent appeals mechanism with suspensive effect against negative decisions on asylum. Please provide information on the measures taken to implement the asylum law to establish a procedure for refugee status and to allow asylum seekers and refugees to apply for identification documents. Please provide information on the ability of asylum seekers and refugees to access employment, trade licences and education.

27. Please provide information on the mandatory detention of undocumented migrants and asylum seekers, established by Act No. 10/15 and explain how this policy complies with articles 7 and 13 of the Covenant. Please also provide information on: (a) the duration of the detention under the law; (b) the non-custodial alternatives to detention available; (c) effective judicial remedies for challenging the lawfulness of detention; and (d) whether free legal aid is available for asylum seekers from the outset of the asylum procedure. Please also comment on reports that arrested migrants may be subjected to harsh, overcrowded and unsanitary detention conditions.

28. In the light of the Committee's previous concluding observations (see CCPR/C/AGO/CO/1, para. 16) and taking into account the fact that approximately 30,000 people fled the Kasai region to Angola between April and June 2017, please comment on continuing reports of torture, ill-treatment, detention, harassment and human rights abuses by the police and security forces of registered and unregistered refugees, particularly refugees from the Democratic Republic of the Congo. In that regard, please provide information on: (a) the steps the State party has taken to ensure that law enforcement officials act in accordance with articles 6 and 7 of the Covenant when forcibly removing foreigners; (b) there are systems in place to monitor law enforcement activities and prevent violations against foreign nationals; and (c) measures are taken to investigate, prosecute and punish the perpetrators of such acts and compensate the victims. Please comment on reports that although Act No. 10/15 of 2015 provides that refugees can apply for permission to leave the refugee camp in which they are living, there is no such mechanism in practice. Please also report on collective expulsions of undocumented migrants, particularly at the border with the Democratic Republic of the Congo, and comment on allegations that migrants have no opportunity to apply for a judicial remedy.

Administration of justice (art. 14)

29. Taking into account the Committee's previous concluding observations, (see CCPR/C/AGO/CO/1, para. 20), please respond to the following concerns and provide information on the steps taken to address them: (a) the problem of widespread corruption in the judiciary; (b) the reportedly large number of cases in which lack of independence and impartiality has been denounced; (c) a reported lack of adequately trained judges and lawyers; (d) the limited number of courts and tribunals (both municipal and provincial) throughout the country and; (e) the generally high cost of legal fees, which may prevent many citizens from accessing justice.

Rights of minorities (art. 25)

30. Please provide information on the measures taken to ensure that ethnic and indigenous minority populations are not adversely affected by development projects and that such projects are undertaken only after all efforts have been made to attain free, prior and informed consent. Please respond to concerns about the lack of recognition of the special needs and status of indigenous peoples in the State party.